

SUPREME COURT OF THE UNITED STATES.

OCTOBER TERM, 1899.

ORIGINAL NO. ———

STATE OF LOUISIANA

VERSUS

THE STATE OF TEXAS ET ALS.

BILL OF COMPLAINT.

*To the Honorable the Chief Justice and the Associate Justices of
the Supreme Court of the United States:*

The State of Louisiana, one of the United States of America, by Murphy J. Foster, Governor, brings this her bill of complaint against the State of Texas, one of the United States of America, and against Joseph D. Sayers, a citizen of the State of Texas, in his capacity as Governor of the State of Texas, and against William F. Blunt, a citizen of the State of Texas, in his capacity as Health Officer of the State of Texas.

And thereupon your orator complains and says:

That the City of New Orleans, one of the great commercial cities of this republic, and the second export city of this continent, containing about two hundred and seventy-five thousand inhabitants, many of whom are largely engaged in interstate commerce with the inhabitants of the State of Texas, is situated within the territory of your orator; that

said city contains nearly one-fourth of all the inhabitants of your orator, and the assessed values of her property are more than one-half the assessed values of the whole State, and she contributes by taxes and licenses more than five-eighths of your orator's revenue.;

That two lines of railroad, the Southern Pacific and the Texas and Pacific, run directly from the City of New Orleans through the States of Louisiana and Texas, and into the States and Territories of the United States and of Mexico, beyond the State of Texas, with the inhabitants of which States and Territories the citizens of New Orleans are also engaged in interstate and foreign commerce, such commerce largely following the lines of said railroads and their many connections.

That the State of Texas, by her Revised Civil Statutes, adopted at the regular session of the Twenty-fourth Legislature, held in the year 1895, being Title XCII thereof, has granted to her Governor and her Health Officer extensive powers over the establishment and maintenance of quarantines against infectious or contagious diseases, with authority to make rules and regulations for the detention of vessels persons and property coming into the State from places infected, or deemed to be infected, with such diseases.

That Joseph D. Sayers, a citizen of the State of Texas, is now, and has been for some time past, Governor of said State.

That William F. Blunt, a citizen of the State of Texas, is now, and has been for some time past, the State Health Officer of the State of Texas.

That the ports of said State, situated on the Gulf coast, are engaged in commerce with the ports of Mexico, Central and South America and Cuba, known to be permanently infected with yellow fever; said commerce being largely competitive with similar commerce coming to the port of New Orleans.

That on the 1st day of March, 1899, Joseph D. Sayers, Governor of the State of Texas, under the provisions of the said laws, issued his proclamation establishing quarantine on the Gulf coast and Rio Grande border against all places, persons or things coming from places infected by yellow fever,

etc., a copy of which proclamation is hereto annexed and made part of this bill and marked Exhibit "A."

That the rules and regulations established in said quarantine proclamation permit trade and commerce between such infected ports and the State of Texas, and provide for the fumigation and reasonable detention of ships and cargoes from infected ports.

That on or about the 31st day of August, 1899, a case of yellow fever was officially declared to exist in the City of New Orleans, in a part of the city several miles away from the commercial part thereof, and from that time to this several other sporadic cases have been reported in similar parts of the city.

That as soon as said first case was reported the said William F. Blunt, Health Officer of the State of Texas, claiming to act under the provisions of Article 4324 of the Revised Civil Statutes, under the pretence of establishing a quarantine, placed an embargo on all interstate commerce between the City of New Orleans and the State of Texas, absolutely prohibiting all common carriers entering the State of Texas from bringing into the State any freight or passengers or even the mails of the United States, coming from the City of New Orleans, and to enforce these orders he immediately placed, and now maintains, armed guards, acting under the authority of the State of Texas, on all the lines of travel from the State of Louisiana into the State of Texas, with instructions to enforce the embargo declared by him *vi et armis*, which instructions these armed guards are carrying out to the letter; that about six days later he modified his order so as to permit the Government of the United States to carry and deliver the mails; and also modified his order so as to permit persons and their baggage to enter the State of Texas, after ten days detention at the quarantine detention-camps, established by him, and after fumigation of their baggage; but that he now maintains, and announces his intention to maintain indefinitely, his absolute prohibition of all interstate commerce between the City of New Orleans and the State of Texas; that he has refused to permit the introduction of sulphuric acid in

iron drums, unpacked hardware, machinery, and other articles coming from localities in the City of New Orleans, far removed from the places where the sporadic cases of fever have occurred, and which by their nature are concededly incapable of conveying infection; that he had established no system of classification or inspection of the articles of interstate commerce, coming from the City of New Orleans, to determine whether they are, or may be, infected, or whether they are capable, or not, of conveying infection, no period of detention for such articles, no place or method of disinfection thereof; his only method being absolute and unconditional prohibition of such interstate commerce; that it is a notorious fact, and well known to said Blunt, that all of the interstate commerce between New Orleans and Texas is carried on by railroads, and none by water communication between the port of New Orleans and the Texas ports, and that the effect of his orders is to destroy all such commerce, to take away the trade of the merchants and business men of the city of New Orleans, and to transfer that trade to rival business cities in the State of Texas.

That while Joseph D. Sayers, Governor of the State of Texas, has issued no formal proclamation of quarantine, as provided by law, to-wit: Art. 4324 of the Revised Civil Statutes, defining the rules and regulations of such quarantine so declared by said Blunt, your orator charges that the rules and regulations established by said Blunt have the full force of law until modified or changed by the proclamation of the Governor, and that the Governor knows all these facts and approves and adopts the same, and permits these rules and regulations to stand and to be executed in full force and effect as established by said Blunt.

Now your orator recognizes the right and power of the State of Texas and the public officials thereof to take prudent and reasonable measures to protect the people of said State from infection, to establish quarantine and reasonable inspection laws, but your orator denies that said State, or its officials, acting under its laws, under the cover of exercising

its police powers, can prohibit or so burden interstate commerce as to make such commerce impossible.

Your orator avers that it is a recognized and acknowledged fact by all the sanitarians and health officials of the various States exposed to infection by yellow fever and by the health officials of the United States, and by all scientific students of infection and sanitation, that commerce can be conducted between infected and non-infected points, with small inconvenience and without any danger of infection, by classifying the articles of commerce and by pursuing certain well-recognized rules and precautions with reference to the articles and vehicles of commerce.

That after the yellow fever outbreak of 1897 a quarantine convention was held in Mobile, Ala., and, on the advice of that convention, a conference of the health officials of Virginia, South Carolina, Georgia, Florida, Alabama, Mississippi, Missouri and the United States Marine Hospital Service met at Atlanta, Ga., and formulated such regulations which were adopted by the Boards of Health of all said States, and, as subsequently revised, are now in full force and effect between the said States; that additional experience having been gained by the reappearance of yellow fever in the fall of 1898, a revising conference was held in the City of New Orleans on February 9, 1899, at which conference the Atlanta regulations were in some respects modified. A copy of the said regulations, original and as modified, are hereto annexed and made part of this bill and marked Exhibit "B."

Your orator avers that said William F. Blunt, or his predecessor in office, was Health Officer of the State of Texas at the time these conferences were held, that he and his predecessor in office refused or neglected to attend them in person or by representative, and he has continually refused to adopt the Atlanta regulations, or any of them, or any regulations similar to them, and insists, as his predecessor in office insisted, upon being a law to himself, and upon using no means of dealing with yellow fever infection in the City of New Orleans, or elsewhere in the State of Louisiana, real or imaginary, except an absolute embargo upon interstate commerce

to be established at his pleasure and to last as long as he chooses to maintain it.

That in pursuance of this policy, in the year 1897, his predecessor in office established a similar embargo on interstate commerce between New Orleans and other points in Louisiana, supposed by him to be infected, and the State of Texas, on the 10th day of September; and refused to remove or to modify said embargo until the day of December, 1897, during which period he even refused to permit railroad cars that had been in the City of New Orleans to enter or even pass through the State of Texas, on their way to the countries, States and Territories beyond.

That in pursuance of the same policy, in the year 1898, the said William F. Blunt, Health Officer, and the Governor of the State of Texas, established a similar embargo on all interstate commerce between the State of Louisiana and the State of Texas, on the 18th day of September, and refused to remove or modify the same until the 1st day of November.

That in pursuance of the same policy, the said William F. Blunt, because a single case of yellow fever was declared in the City of New Orleans, did on May 30, 1899, establish a similar embargo on interstate commerce between the City of New Orleans and the State of Texas, which he refused to modify or to remove until June 9, 1899, and then only under great pressure, although he was advised on June 2d 1899, by the representatives of the health authorities of the States of Alabama and Mississippi, of the United States Marine Hospital Service, and of the Louisiana State Board of Health, who had been for some days in the City of New Orleans, making a personal inspection of her sanitary and health conditions, that they deemed it "unnecessary and unwise for any State or city to quarantine against New Orleans under present conditions."

Your orator avers that the State of Texas, her Governor and her Health Officer, as shown by the rules and regulations established by them in the proclamation aforesaid for the quarantine on the Gulf coast, admit the truthfulness of the claim of your orator that commerce can be carried on with in-

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fectcd places and ports, under reasonable rules and regulations as to inspection, fumigation and detention, and admit that there are articles of commerce incapable of conveying infection, and actually permit such commerce in all articles to be so carried on to the advantage and benefit of the commerce of the ports of Texas and her merchants engaged in commerce in said ports.

Your orator avers that the effect of the embargoes imposed by the State of Texas upon the commerce of the City of New Orleans with Texas is to build up and benefit the commerce of the City of Galveston, in Texas, and the commerce of other cities in Texas, all of which are commercial rivals of the city of New Orleans for the large commerce of the State of Texas and the adjoining States and Territories.

That prior to the embargoes aforesaid of the years 1897 and 1898 the City of New Orleans was the greatest cotton exporting port of the United States, and a very large portion of the cotton grown in Texas was exported through the port of New Orleans; for instance, for the season 1894-5 more than 31 per cent. thereof; for the season 1895-6 more than 30 per cent. thereof; for the season 1896-7, 25 per cent. thereof.

That as consequence of the two trade embargoes aforesaid the percentage of the Texas cotton crop exported through the port of New Orleans for the season of 1897-8 was only 19 per cent.; and for the season of 1898-9 was only 15 per cent.; and for the season of 1898-9, ending September 1, 1899, the City of Galveston handled more export cotton than the City of New Orleans.

That the effect of said embargoes is all the more disastrous to the commerce of your orator, and of her cities and towns, because declared and made operative during the months of September, October, November and the early part of December, the period of the greatest activity and the largest movement of commerce among the States of the South, and between the State of Louisiana, the City of New Orleans and the State of Texas.

Now your orator avers that in view of the unreasonable,

harsh, prohibitive and discriminating character of the pretended quarantines, declared and maintained by the State of Texas and her Health Officer, against the City of New Orleans and other localities in the State of Louisiana, is nothing less than a commercial war declared against your orator, her ports, cities and citizens; not for the *bona fide* purpose of protecting the health of the State of Texas, but for the purpose of increasing the trade and commerce of the State of Texas and of her ports, cities and citizens, to the great damage and injury of your orator and her citizens; that such embargoes on interstate commerce injure and impoverish your orator's citizens, reduce the value of her taxable property, diminish her revenues, retard immigration, reduce the value of her public lands, and deprive her citizens of their rights and privileges as citizens of the United States.

Your orator avers that the embargo upon interstate commerce between the City of New Orleans, in the State of Louisiana, and the State of Texas, established by said Blunt on or about the first day of September, 1899, and now maintained by him and the other officials of the State of Texas, will be continued by them for an indefinite period, to the great damage and injury of your orator's ports, commerce and revenues, and to the commerce of her citizens and to the rights of her citizens under the Constitution of the United States, unless they be enjoined and restrained by order of this Court.

Your orator avers that, from the past conduct of the State of Texas, and of her Governors and Health Officers, your orator is justified in averring and charging, and does aver and charge, that it is the fixed purpose and intention of the said State, and of her Governors and Health Officers, whenever in the future any case of yellow fever, or other infectious disease, occurs in any parish, city or town within your orator's borders, to immediately declare, set up and maintain an absolute prohibition of interstate commerce between said supposed infected parish, city or town, and the State of Texas, and to keep the same in force during the pleasure of such officials, or to make and establish discrimi-

native rules and regulations covering quarantines on such interstate commerce, different from and more burdensome than the rules and regulations concerning quarantines on interstate commerce with other States and foreign commerce with countries also infected with yellow fever, or other infectious diseases, and thereby to injure and oppress your orator and her citizens.

Now your orator avers that the absolute prohibition against the movement and operation of interstate commerce between the City of New Orleans and the inhabitants thereof, and the State of Texas and the inhabitants thereof, established by said William F. Blunt, Health Officer of the State of Texas, and now maintained and enforced by him, the Governor and the other officials of the State of Texas, is in direct contravention of the provisions of the Constitution of the United States, and particularly of that clause thereof which grants to the Congress power to regulate commerce with foreign nations, among the several States, and with the Indian tribes, and is null, void and of no effect, and the continuance thereof ought to be restrained by the order of this honorable Court.

Your orator further avers that the various cities, counties and towns in the State of Texas have authority, under the statutes aforesaid, to establish quarantines, but all such quarantines are by statute subordinate to, subject to and regulated by the rules and regulations prescribed by the Governor and the State Health Officer, and that, therefore, all such quarantines are dirigible and controllable by the Governor and the Health Officer of Texas.

Your orator is informed and believes and so charges that it is the intention of certain counties, cities and towns along the lines of the railroads aforesaid, in case your Honors should restrain the operation of the embargo established as aforesaid by William F. Blunt, State Health Officer, to severally establish the same embargo on their own account, and to prevent the passage of trains on said railroads carrying interstate commerce from the City of New Orleans through

them to other parts of the State of Texas and to other States, and to so hinder, obstruct and delay the transportation of said commerce along the lines of railroad running through their limits as to render its conduct impossible; that in case it should be considered that the public authorities of such counties, towns and cities are not personally bound by any order your Honors may issue in this cause, and in case they should attempt to carry out any such illegal plan, your orator reserves the right hereafter to make such officials parties to this bill, so as to subject them to the control of the Court.

To the end, therefore, that the said defendants may, if they can show why your orator should not have the relief hereby prayed, and may, upon their several and respective corporal oaths, and according to the best and utmost of their several and respective knowledge, remembrance, information and belief, full, true, direct and perfect answer make to the matters and things averred in this bill, may it please your Honors to grant to your orator the most gracious writ of subpoena, directed to the State of Texas, to Joseph D. Sayers, Governor of the State of Texas, and to William F. Blunt, Health Officer of the State of Texas, commanding them, and each of them, to be and appear in this Honorable Court on a day to betherein named, and to abide the judgment of the Court.

And after due proceedings, may it please your Honors to adjudge and decree that neither the State of Texas, nor her Governor, nor her Health Officer, have the right, under the cover of an exercise of police or quarantine powers, to declare and enforce against interstate commerce, between the State of Louisiana, or any part thereof, and the State of Texas, an absolute embargo, prohibiting the movement and conduct of said commerce, or to make, declare and enforce against places infected with yellow fever, or other infectious diseases, in the State of Louisiana, discriminative quarantine rules and regulations affecting interstate commerce between the State of Louisiana, or any part thereof, and the State of Texas, different from and more burdensome than the quarantine rules

and regulations affecting interstate or foreign commerce between the State of Texas and other States and countries infected with yellow fever, or other infectious diseases, and that the embargo and prohibition upon interstate commerce between the City of New Orleans and the State of Texas, declared by William F. Blunt, Health Officer of the State of Texas, on or about the 1st day of September, 1899, and now maintained and enforced by the State of Texas, under the guise of a quarantine against yellow fever, is contrary to the Constitution of the United States, null, void and of no effect and validity.

And may it please your Honors to issue a preliminary writ of injunction from this Honorable Court, prohibiting, enjoining and restraining the State of Texas, and all of her officers and public officials, and prohibiting, enjoining and restraining Joseph D. Sayers, Governor of the State of Texas, and William F. Blunt, Health Officer of the State of Texas, their successors in office, and all of their subordinates, assistants, agents and employees, from establishing, maintaining and enforcing, or attempting to establish, maintain and enforce, under the guise of a quarantine against yellow fever, any embargo or absolute prohibition upon interstate commerce between the State of Louisiana, or any part thereof, and the State of Texas, or from establishing, maintaining and enforcing, or attempting to establish, maintain and enforce against interstate commerce between the State of Louisiana, or any part thereof, and the State of Texas, discriminative and burdensome quarantine regulations other and different from the regulations established by such authorities against foreign and interstate commerce between the State of Texas and other countries and States infected with yellow fever, or other infectious diseases, and particularly enjoining, prohibiting and restraining them, and each of them, from maintaining or enforcing, directly or indirectly, the prohibitory embargo on interstate commerce established against the City of New Orleans on or about the first day of September, 1899, under the guise and pretence of a quarantine regulation; and may it please your Honors on final hearing to make said injunction perpetual.

And your orator prays that she may be allowed her costs in this cause expended, and that she may have all such other and further general and equitable relief as the nature of the case may require.

MILTON J. CUNNINGHAM,
Attorney General of Louisiana.

EDGAR H. FARRAR,
BENJAMIN F. JONAS,
ERNEST B. KRUTTSCHNITT,
E. HOWARD McCALEB,
Of Counsel.

STATE OF LOUISIANA, }
Parish of East Baton Rouge. }

Personally came and appeared before me, the undersigned authority, Murphy J. Foster, who, being duly sworn, deposes and says that he is the Governor of the State of Louisiana, that he has read the foregoing bill and knows the contents thereof, and that the same is true to the best of his knowledge, information and belief.

MURPHY J. FOSTER.

Sworn to and subscribed before me this 12th day of October, 1899.

[Seal].

T. JONES CROSS,
Notary Public. 7

EXHIBIT "A."

ANNEXED TO AND MADE PART OF BILL.

PROCLAMATION.

BY THE GOVERNOR OF TEXAS.

Be it known, that I, Joseph D. Sayers, Governor of the State of Texas, by authority vested in me by the laws of this State, do hereby declare that quarantine shall be established on the Gulf Coast and Rio Grande border on and after April 1, 1899; and it shall continue until closed by proclamation.

Said quarantine shall apply to all vessels, persons or things coming from places infected by yellow fever, smallpox or cholera, and all places south of 25 degrees north latitude shall be considered infected unless proof to the contrary be submitted to the State Health Officer, and special exemption be granted to said places and persons from such places are prohibited from entering this State within a period of ten days.

I further declare quarantine against any person or persons infected or liable to be infected with yellow fever, smallpox or cholera, either within or without the State, and direct the Quarantine Officers of the State and Health Officers of counties and towns to establish local quarantines around any and all such persons whenever discovered.

The Coast Quarantine Stations shall be governed by the following rules:

RULE 1. Ten days must have elapsed, from the day of sailing from an infected port, before vessels will be allowed to enter the ports of Texas, except fruit vessels, and such vessels as have been given written permits to do so.

RULE 2. Vessels arriving outside of Texas ports, with sickness on board at the time of arrival, of either yellow fever or cholera, must not be brought inside of the bar by pilots, but must be at once reported to the local Quarantine Officer, who will at once report same to the State Health Officer, and he will endeavor to have such vessel ordered to the nearest United States Marine Hospital Service for treatment.

RULE 3. Vessels from an infected place, having had sickness and death en route, but none at the time of arrival, will be fumigated and

held five full days after fumigation, under observation, before being released, and a longer time if considered necessary by the State Health Officer.

RULE 4. Vessels from places actually infected will be fumigated and held under observation five full days.

RULE 5. Vessels from places south of 25 degrees north latitude, with clean bills of health, and having had no sickness on board, will be fumigated, and held three days after fumigation.

RULE 6. Iron steamships arriving from ports south of 25 degrees north latitude not infected, with no cargo or passengers, or laden with such articles as can not possibly be carriers of infection, with clean bills of health from last clearance and the clearance preceding the last, and in good sanitary condition at the time of arrival, may be permitted to enter, after being fumigated, without further detention, if, in the judgment of the local quarantine officer, it is safe to do so.

RULE 7. Vessels wishing to engage in the fruit trade will be allowed to do so under special restrictions and regulations governing same.

All officials, military authorities and citizens of Texas are solicited to assist the quarantine officers in the execution of the above rules, and are earnestly requested to notify the Governor of any dereliction of duty by officers or employees, or any other facts that will give greater efficiency to the quarantine service.

In testimony whereof I have hereunto signed my name and have caused the seal of State to be affixed, at the City of Austin, this first day of March, A. D. 1899.

JOSEPH D. SAYERS,
Governor of Texas.

[SEAL] By the Governor:
The State of Texas. D. H. HARDY,
Secretary of State.

ing infection, such as roasted coffee, refined sugar, coal oil, creosote, acids, beans, peas, rice, salted meats, and articles of similar character.

- (d) Fruits, sound, and taken directly in good condition from clean vessels, which have complied with all quarantine requirements, or cars and transferred at wharves or railroad depots not infected and in good sanitary condition, immediately to the disinfected cars or vessels for shipment.
- (e) Fruit, vegetables and Western produce in barrels or boxes directly transferred as above.
- (f) Freight in good sanitary condition, taken directly from clean vessels or cars to cars or vessels at a wharf or railroad siding, not infected and in good sanitary condition.
- (g) Live stock and poultry.

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CLASS II.

The following articles will require only superficial disinfection—*i. e.*, outside of containers:

- (a) All goods in original wooden or metallic packages, not broken or packed in an infected locality, when not included in Class I, such as boots and shoes, dry goods, leather goods, drugs and chemicals, patent medicines, oiled and rubber clothing, sugar, canned fruits, canned vegetables, canned meats, canned oysters, canned fish, condensed milk, stone ware, tin ware, tobacco, cigars, snuff, wines, tonics, liquors, cheese, flour, meal, grits, wooden ware, butter, tea, candles, soap, lard, starch, axle grease, iron roofing, saddle-trees, raisins, matches, salted fish, molasses; rice, coffee, beans and peas in barrels; nuts, dried fruit, pickles, vinegar, olive oil, sauces, baking powder, soda, preserves.
- (b) Articles which from their nature and mode of packing are incapable of receiving infection, and which sterilize the inside of the container, such as roasted coffee, refined sugar, molasses, coal oil, creosote, acids and articles of a similar character, when not included in Class I.
- (c) Goods in textile material, not broken or packed in an infected locality and kept perfectly dry. This includes coffee, grain, and spice in sacks, cured hams in canvas, osnaburghs and other cotton goods in solid bales with close covering.
- (d) Chemicals, patent medicines, drugs and druggists' sundries, not put up in an infected locality, when enclosed in glass, wood or metal, also hardware, when these articles are packed with sterilized excelsior.

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CLASS III.

Articles not in classes I and II may be shipped after disinfection.

- (a) This refers to all classes of merchandise not in classes I and II, which are kept in stock for distribution at wholesale stores not exposed to any recognized infection.
- (b) Articles that can be kept in excelsior in crates so as to render the excelsior and contents capable of disinfection belong to this class.
- (c) Methods of disinfection are treated in a separate section of these regulations.

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CLASS IV.

No bedding or household effects shall be received for shipment under any conditions.

*63. Inspectors shall not certify to any of the above classes if not satisfied that the articles will not convey infection.

***64. Regulations Governing the Repacking and Disinfection of Goods Taken from Original Packages.**

- a. Each establishment packing or repacking will provide a disinfecting chamber under the supervision of an inspector.
 - b. The workmen, on arrival, will disinfect their hands and faces. They will then change their outer clothing for sterilized clothing and remain in the work rooms during working hours.
 - c. The work rooms and all the premises shall be kept clean.
 - d. The outer clothing worn by the workmen during working hours shall be disinfected daily.
 - e. The same precautions are required of the inspectors.
 - f. If the goods to be packed are taken from previously opened packages they must be disinfected.
 - g. Work of this kind shall be done only in the wholesale districts.
- *65. Provided that this method meets with the approval of the various State Boards of Health and State health officers where these goods are to be shipped.

***66. Regulations Governing Workmen in Factories,**

67. The same regulations referring to workmen and premises of wholesale stores shall apply to factories.
68. In addition, the goods manufactured, if liable to convey infection, must be disinfected.

69. Regulations Governing the Disinfecting of Freight on Cars and Steamboats.

70. All freight in cars and the cars themselves, and all freight on or in boats and such parts of the boats themselves shall in all cases be disinfected by the United States Marine Hospital Service whenever and wherever that service may deem the same necessary.

71. Regulations Governing Railroad Traffic from an Infected Town to Points South.

72. A passenger train to an infectable locality shall not stop in an infected town, nor shall the windows or doors be allowed to be open therein, and no communication shall be allowed between the passengers or train crew and the town.
73. Freight traffic through such a town should be without stopping.
74. In cases where stopping in town is absolutely necessary for freight traffic, and also when the town is large, and the infection general, a special crew shall take the train through the town. The relay stations where these changes are made shall be under sanitary supervision.
75. Sanitary inspectors should also be stationed in town.

76. Regulations Governing Freight Traffic from an Infected Town to Points South.

77. Empties must not stay in an infected town or be parked in an infected locality.
78. Flat cars to be swept clean.
79. Box cars shall be made mechanically clean and dry, and sent open to the relay station, where they are to be inspected for tramps.

- 80. From the relay station they should be sent on under seal.
- 81. All fruit cars to be disinfected.
- 82. Cars should be removed from an infected locality as soon as emptied.
- 83. If not, they should be disinfected when they leave.
- 84a. If not disinfected, the cars should be sent with windows and doors open.
- 84b. The cars must be fully inspected at the relays for tramps.
- *85. All disinfected cars must be placarded and way-bills certified to by proper sanitary officers.

86. **Regulations Governing the Mails from an Infected Locality to Points South.**

- *87. Letter mail needs no disinfection except in a marked epidemic.
- 88. Newspapers must be disinfected.
- 89. Parcel mail is excluded altogether.

90. **Regulations Governing Relays of Trains from an Infected Locality to Points South.**

- 91. All train crews from an infected town must be changed and not be allowed to have direct communication with certainly clean territory,
- 92. This should be done at a non-infected place as isolated as possible; asiding, rather than a station, and certainly not in town.
- 93. Every man, mail agent, expressman and train butcher must make that relay.
- 94. If we know that he is going North, not to return to points South, in this case he is like a through passenger.
- 95. Pullman crew to be relayed.
- 96. None of the merchandise of the train butcher must pass the relay.
- 97. Disinfected newspapers will be excepted.
- 98. No possible fomites must pass the relay to the crew bound North, and as little communication as possible, none save such as is necessary for the run of the train, is allowed.
- 99. The relay must be under the supervision of a sanitary officer or officers (two are generally required), whose position is one of great responsibility.
- 100. At these stations a very careful search for tramps must be instituted.
- 101. The camps for the north and south crews should be at a considerable distance from each other.
- 102. The run of trains should be arranged so as to have the crews in camp as little as possible.
- 103. For passenger trains there need be no delay.
- 104. For freight trains generally there must be and their crews must go in camp.
- 105. Occasions may arise where it is necessary to guard the southern relay camp by a number of guards, as if it were a camp of detention.
- 106. It must never be allowed to become infected.
- 107. If it does the camp must be moved.

108. **Regulations Governing Railroad Traffic from an Infected Town to Points North.**

- 109. Through traffic—i. e., to points incapable of receiving yellow fever infection, to be designated hereafter as "points North."
- 110. Freight in sealed cars can go without hindrance to destination.

111. **Regulations Governing the Mails to Points North.**

112. Through mail not distributed South needs no restrictions, except disinfection of bags.

113. **Regulations Governing Passenger Traffic to Points North.**

114. *Passenger* Traffic to points North can be allowed by preventing all chance of such passengers conveying infection *en route*, either by themselves leaving the train *en route* or by returning to points South, or by fomites, mainly their clothing.

115. This traffic should be on special cars reserved for these passengers, and preferably on a special train.

116. A Sanitary Inspector must accompany them through the quarantine territory, under whose absolute sanitary charge the train is.

117. The coaches which carry these passengers must be disinfected before the return South.

118. Laundry of Pullman cars must not be done in an infected place.

119. **Regulations Governing Duties of Inspectors.**

120. Train inspectors must be properly relayed.

121. Those running from the infected town should be immune.

122. If they sleep in clean territory they *must* be immune.

*123. **Regulations Governing Steamboat Communications.**

They may be carried on—

124. By supervision of the landing of freight and loading of the same, so as to prevent communication between the people ashore and the boat.

125. **Regulations Governing Yellow Fever Localities.**

*126. Localities infected with yellow fever, and localities contiguous thereto, may be depopulated as rapidly as possible, so far as the same can be safely done.

*127. Persons from non-infected localities, and who have not been exposed to infection, being allowed to leave without detention, and on leaving such place shall be provided with health certificate of the following form by the legally constituted health authorities of the place:

OFFICE OF BOARD OF HEALTH, }
 189.... }

Health Officer:

TO WHOM IT MAY CONCERN:

This is to certify that Mr..... has given satisfactory evidence to me that he has been in not less than ten days, and, to the best of my knowledge and belief, he has not been exposed to the infection of Yellow Fever, and has not been in any infected or suspected locality for ten days.

Description: Age, years. Weight, pounds. Height,
 Complexion, Hair, Eyes,

Health Officer.

Signature:

128. When deemed necessary affidavit shall be required by the Health Officer.

129. The certificate shall be issued without fee.

130. Regulations Governing Measures To Be Taken in a Town or Locality Which May Not Require Quarantine.

- *131. If the inspection of a town in which yellow fever exists show all foci of infection, possible fomites and persons liable to develop the disease are under observation, the town should not be quarantined.
- 132. When practicable, the patient shall be removed to hospital, or other quarters little liable to infection, and so situated as to involve a minimum of danger, if affected.
- 133. If the patient can not be removed, all possible precautions must be taken to prevent contamination of his premises.
- 134. Those certainly immune to yellow fever may be given free pratique after disinfection of effects.
- 135. Non-immunes may be permitted to go to places incapable of infection, to remain there during the period of incubation, requiring disinfection of baggage, unless certain that they will remain in such territory.
- 136. Non-immunes not going to such places shall, if practicable, be isolated under observation in non-infected quarters, so situated that if fever develop among them there shall be as little danger as possible of conveying infection; their effects being disinfected upon isolation.
- 137. Such persons as are isolated under observation on account of exposure to yellow fever shall be isolated for a period of not less than ten days from the last possible time of exposure to infection. They shall be inspected—twice daily is advised.
- 138. Premises occupied or having been occupied by a case sick with yellow fever shall be treated as infected and be under sanitary control.
- 139. Such neighboring premises as are close enough for their inmates to receive infection from the above shall also, with their inmates, be under sanitary control.
- 140. These premises shall be strictly guarded and no communication allowed with those outside except under such rules and supervision as will prevent the conveyance of the disease.
- 141. All possible precautions shall be taken to prevent exposure of the guards and other attendants to infection.
- 142. If possible, they shall be immune.
- 143. They shall be under proper supervision.
- 144. On the recovery, removal or death of a case of yellow fever the premises shall be immediately disinfected.
- 145. Such neighboring premises as from proximity are presumably infected are also to be disinfected.
- 146. Coincidently with the foregoing measures a house-to-house inspection should be made of the whole community, to determine whether other cases exist.
- 147. In the case of the death of a patient the body shall be disposed of under such sanitary precautions as will prevent the conveyance of infection.

148. Regulations Governing Measures To Be Taken When a Town or Locality Requires To Be Quarantined.

- 149. If the inspection of a town in which yellow fever exists does not show that all foci of infection, possible fomites and persons liable to develop the

disease, are under observation ("in quarantine") or if cases occur which can not be traced to any known focus, such town shall be subject to quarantine.

150. Those who have been exposed or who come from infected localities shall be required to undergo, in the camp of probation, or other designated place, a period of detention and observation of ten days from date of last exposure, before being permitted to proceed to a locality capable of being infected, their clothing and other effects capable of conveying infection being disinfected upon entrance to place of detention.
151. For persons known to be immune to yellow fever detention is not required, merely the disinfection of their baggage and clothing.
- *152. The evidence of immunity shall be satisfactory to the health officer of the place to which he is bound.
153. Persons who have been exposed may be permitted to proceed, under proper sanitary supervision while passing through infected territory, without detention, to localities incapable of being infected, and whose authorities are willing to receive them, to remain their ten days.
154. The baggage of such persons shall be disinfected unless it is certain they will not return into infectable territory.
155. This exemption from disinfection shall not apply to baggage from an infected house for any point, or to baggage to points which object to receiving it undisinfect.
156. NOTE.—On account of the extreme difficulty of the health officer determining the ultimate destination of passengers bound for Atlanta, Charlotte, Nashville and similar distributing points for passengers south, the baggage of such passengers should be disinfected.
157. An adjacent town which is in direct communication with an infected town must be considered as being neutral territory, and therefore under quarantine.
158. Also such territory as from its proximity or relations to an infected town can not be pronounced certainly clean.

159. **Regulations Governing Methods of Disinfection.**

160. The following methods of disinfection are considered efficient for Yellow Fever:
161. Apartments or dwellings infected with yellow fever to be disinfected by one or more of the following methods:
 - (a) By a thorough washing of all surfaces of apartments with an efficient germicidal solution.
 - (b) By sulphur dioxide for twenty-four hours' exposure, four pounds of sulphur for each 1000 cubic feet, plus due allowance made for waste.
 - (c) By formaldehyde gas, in not less than a 4 per cent. volume strength, and not less than six hours' exposure.
162. NOTE.—One litre of 40 per cent. solution of formaldehyde gas will involve about 170 litres (50.1 cubic feet) of gas at 20 deg. C. (68 deg. F.).
163. Grounds, outbuildings, etc., deemed to be infected to be disinfected with a strong solution of crude carbolic acid (carbolic acid, crude, two parts; sulphuric acid, one part; water, twenty-five parts) or an acid solution of bichloride of mercury (1-500); disinfection of ground preferably by fire.
164. Bedding, wearing apparel, carpets, upholstered furniture and the like to be disinfected by one or more of the following methods:

- (a) By steam at a temperature of 100 to 102 deg. C., 30 minutes' exposure.
 - (b) By boiling, all parts of the article to be submerged.
 - (c) By saturation in an efficient germicidal solution.
 - (d) By thoroughly wetting the surface of the article with a 40 per cent. aqueous solution of formaldehyde, and placing them in a closed space for not less than twelve hours.
 - (e) Where surface disinfection is required formaldehyde gas of not less than a 4 per cent. volume strength and not less than six hours' exposure, or by sulphur dioxide for not less than twenty-four hours.
165. The dejecta from cases of yellow fever to be disinfected by an efficient germicidal solution.
166. Mails to be disinfected by one of the following methods:
- (a) By formaldehyde.
 - (b) By sulphur dioxide.
 - (c) By steam.
167. Newspapers must be made up in such packages as shall be penetrable to the disinfectant used.
168. Articles injured by steam, such as rubber, leather and container, to which disinfection by steam is inapplicable, to be disinfected:
- (a) By thoroughly wetting all surfaces with an efficient germicidal solution, the articles being allowed to dry.
 - (b) By exposure to sulphur dioxide.
 - (c) By exposure to formaldehyde gas.
169. The application of gaseous disinfection to these articles should be made in a closed space, air-tight, or as nearly so as possible.
170. The following are considered efficient germicidal solutions:
- (1) Bichloride of mercury, acid, 1-1000.
 - (2) Carbolic acid, pure, 5 per cent. solution.
 - (3) Trikesol, 2 per cent. solution.
 - (4) Solution of formaldehyde, 1-500 (which is 2 parts of a 40 per cent. solution of formaldehyde to 25 parts of water).
 - (5) Solutions of hypochlorate of calcium (chloride of lime).

171.

Other Resolutions.

172. *Resolved*, That this convention approves the plan of having medical inspectors attached to those consulates where yellow fever and cholera are epidemic, with a view of securing for our protection definite information as to the exact sanitary condition, and the presence or absence of contagious diseases in such consular district. And that Congress be urged to make the necessary appropriation to carry the plan into effect.
173. *Resolved*, That this convention is of the opinion that it is a duty devolving on all nations to take measures to eradicate any plague centre from their territory, and that the existence of such plague centres is a menace to other nations, and that our State Department be requested to take measures through proper diplomatic channels for the conveyance of this opinion to the governments deemed obnoxious to the opinion as herein expressed.
- *174. No locality shall be quarantined on cases of contagious disease reported as suspicious or doubtful or disputed, provided the cases are properly isolated, the premises disinfected, the inmates and suspects thoroughly disinfected, and both inmates and suspects kept under proper observation by the local health authorities, all under the supervision and control of the State Board of Health, State Health Officer or United States Marine

Hospital Service, and such suspected case or cases shall be reported to the Health Officers or Boards of Health of adjacent States, and they be invited to send representatives to view said case or cases.

This resolution also to apply to sanitariums, hospitals and barracks.

The same to apply to the first case or cases of positive or genuine yellow fever.

- *175. That all municipal corporate communities which are exposed to yellow fever infection in the South Atlantic and Gulf States provide isolation quarters for persons who may become infected, or who may have been exposed to infection.
- *176. That the foregoing amendments be adopted as a whole, including all of the old Atlanta Regulations which have not been amended or stricken out.
- 177. *Resolved*, That a copy of these proceedings be sent to the governors of the States of Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Texas, Tennessee, and Arkansas, with a request that they communicate the same to the different Health Officials of their respective States.
- 178. *Resolved*, That the Health Officials, State, county, and municipal, of the above States be requested to adopt the regulations of the Atlanta convention as a basis of their quarantine proceedings.
- 179. *Resolved*, That a copy of the regulations of this convention be forwarded to each member of Congress.
- 180a. *Resolved*, That the chair appoint a committee of three on publication.
- 180b. The Chair appointed Dr. Edmond Souchon, of New Orleans, La., Chairman; Dr. Rhett Goode, of Mobile, Ala.; Dr. J. F. Alexander, of Atlanta, Ga.

Chairman of Committee on Publication:

EDMOND SOUCHON, M. D.,
President Louisiana State Board of Health.

APPENDIX.

The regulations governing Disinfection and Detention Stations or Camps, and Governing Freight, had been previously adopted and recommended, about as printed above, by a Conference between representatives of Southern Boards of Health, Railroad and Steamboat officials.

The Conference had been called by Dr. Edmond Souchon, President of the State Board of Health of Louisiana; it was held in the city of New Orleans, on April 8, 1898.

There were present at the Conference—For Louisiana: Dr. Edmond Souchon, President of the State Board; Dr. John J. Castellanos, of said Board; Dr. C. P. Wilkinson, of New Orleans Quarantine Station.—For Mississippi: Dr. S. R. Dunn, Dr. H. H. Haralson, Dr. Fokes, of Biloxi; Dr. Bailey, of Ocean Springs.—For Alabama: Dr. W. H. Sanders, State Health Officer.—For South Carolina: Dr. H. B. Horlbeck, of Charleston.—For the United States Marine Hospital Service: Dr. H. R. Carter.—For the Railroads: Messrs. Owen, Van Vleck, and Fay, of the Southern Pacific; Messrs. Harvey and Curren, of the New Orleans & Northeastern; Mr. O. M. Dunn, of the Illinois Central; Mr. Charles Marshall, of the Louisville & Nashville, and Mr. N. S. Hoskins, of the Car Service Association.—For the Steamboats: Capt. Charles P. Truslow, President of the Steamboat Owners' Exchange; Capt. J. B. Woods and Capt. George H. Lord.

E. S.

- *181a. The diagram following is taken from Mississippi Regulations:

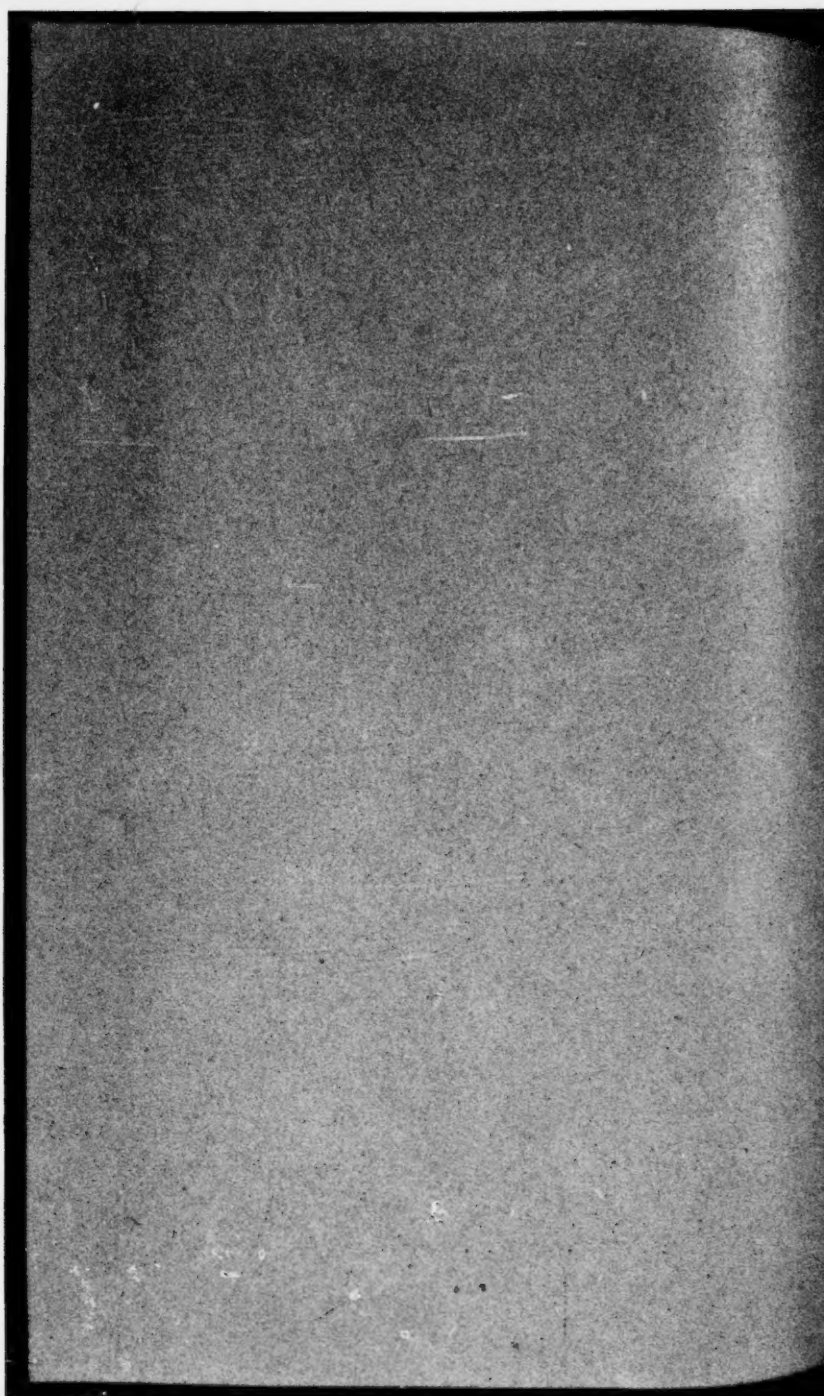
ATLANTA CONVENTION
OF THE
SOUTH ATLANTIC AND GULF STATES.

**Uniform Regulations for the Management
of Yellow Fever Epidemics.**

UNANIMOUSLY ADOPTED AND RECOMMENDED TO THE PEOPLE,
APRIL 12TH, 1898.

REVISED AT A CONFERENCE HELD IN THE CITY OF
NEW ORLEANS ON FEBRUARY 9, 1899.

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1899.



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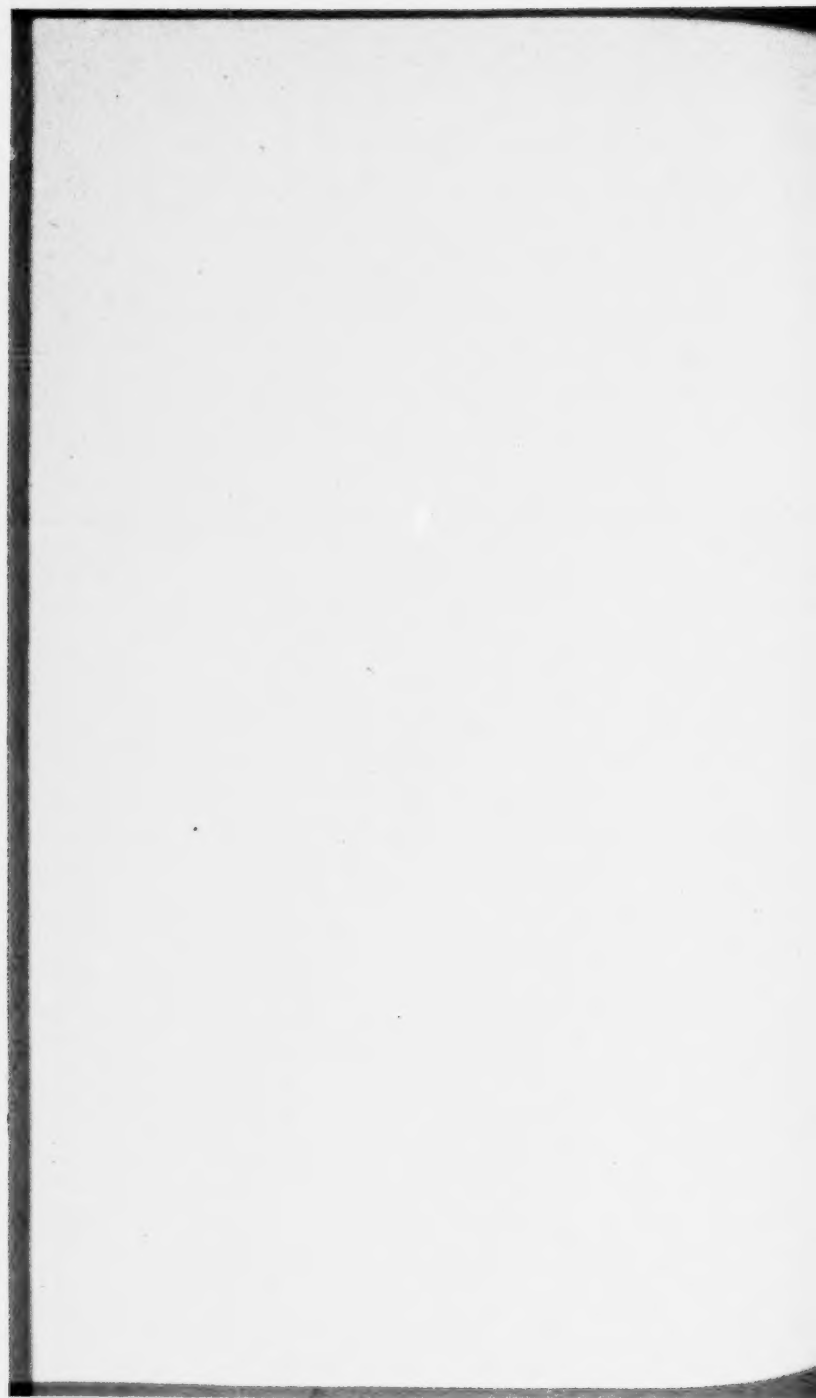
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ATLANTA CONVENTION
OF THE
SOUTH ATLANTIC AND GULF STATES.

1. This convention was called in pursuance of the following resolution, adopted by the Quarantine Convention of the South Atlantic and Gulf States, held at Mobile, Ala., February 9, 1898.
2. **To Establish Uniformity of Quarantine Rules and Regulations in Certain States.**
3. *Resolved*, That it is the sense of this Convention of the States bordering on the South Atlantic and Gulf Coast, viz.: Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana and Texas, that they should, as soon as practicable, meet in conference and prepare a Code of Rules and Regulations for the purpose of controlling and preventing the spread of Yellow Fever and other Contagious and Infectious Diseases; said rules and regulations to be uniformly accepted and honored by the several Health Boards of the States mentioned; and further to adopt a system of pratique and health certificates to be used in times of epidemic, to be likewise honored by the several Health Boards of the States named.
4. The convention was called to order at 10 o'clock Tuesday morning in the ballroom of the Kimball House, by Mayor Collier. Rev. Dr. Landrum opened with prayer. Owing to the non-arrival of many delegates, the session adjourned until noon, after the appointment of a credential committee and a committee on permanent organization.
5. The report of the credential committee was received at the noon session, allowing all health and sanitary officers present, representing States, to vote, and allowing each State five votes.
6. On roll call the States of Virginia, South Carolina, Georgia, Florida, Alabama, Mississippi and Louisiana were found to be represented.
7. The following delegates were present:
8. Virginia—Dr. E. A. Waugh, Lynchburg; Dr. J. Jett McCormick, Norfolk.
9. South Carolina—Dr. H. B. Horlbeck, Charleston.
10. Georgia—Hon. C. A. Collier, Atlanta; Dr. J. F. Alexander, Atlanta; Dr. C. F. Benson, Atlanta; Dr. James B. Baird, Atlanta; Dr. Louis H. Jones, Atlanta; Dr. DeSaussure Ford, Augusta; Dr. T. C. Ticknor, Columbus; Dr. R. B. Barron, Macon; Hon. P. W. Meldrim, Savannah; Dr. Ed Brobston, Brunswick.
11. Florida—Dr. J. L. Horsey, Fernandina; Dr. R. L. Harris, Orlando.
12. Alabama—Dr. Rhett Goode, Dr. Glenn Andrews, Montgomery; Dr. J. W. Barclay, Birmingham; Dr. R. D. Murray, Mobile; Dr. Edward A. Neil, Selma.
13. Mississippi—Dr. H. H. Haralson, Biloxi; Dr. C. M. Murray, Ripley.
14. Louisiana—Dr. Edmond Souchon, New Orleans; Dr. C. P. Wilkinson, New Orleans; Dr. Quitman Kohnke, New Orleans; Dr. J. J. Scott, Shreveport; Dr. H. R. Carter, New Orleans.

15. **Missouri**—Dr. Sam Ayres, Kansas City.
16. **United States Marine Hospital Service**—Dr. H. R. Carter, Dr. R. D. Murray.
17. **Railroads**—Joseph M. Brown, Atlanta, Nashville, Chattanooga & St. Louis Railroad and Western & Atlantic; J. C. Smith, Atlanta & West Point, Atlanta; J. A. Sullivan, Kansas City, Memphis & Birmingham; D. D. Curran, New Orleans & Northeastern Railroad; J. S. B. Thompson, Southern Railway, Atlanta; Dr. Samuel Ayres, Kansas City, Pittsburg & Gulf Railroad.
18. The organization committee reported the following officers, who were unanimously elected: President, Dr. H. B. Horlbeck, Charleston, S. C.; vice presidents, Dr. E. A. Waugh, Virginia; Dr. DeSaussure Ford, Georgia; Dr. R. L. Harris, Florida; Dr. Rhett Goode, Alabama; Dr. Murry, Mississippi; Dr. J. J. Scott, Louisiana; secretary, Mr. J. F. Welsinger, Atlanta.
19. President Horlbeck took the chair and appointed the following Committee on Plans and Resolutions: Dr. Souchon, Louisiana, chairman; Dr. Waugh, Virginia; Dr. Alexander, Georgia; Dr. Horsey, Florida; Dr. Goode, Alabama, and Dr. Haralson, Mississippi.
20. Resolutions relative to the regulation of quarantine were then introduced by Dr. Souchon, by Dr. Carter, the representative of the United States Marine Hospital Service, and by Dr. Wilkinson. All the resolutions were referred to the Committee on Plans and Resolutions, with which Dr. Wilkinson and Dr. Carter were invited to sit.
21. The Convention then adjourned until 4 o'clock in the afternoon to await the report of the resolutions committee, which went into session at once to agree on a composite report from the resolutions introduced.

*22. **Revising Conference in New Orleans.**

- *23a. On February 9, 1899, a Conference of representatives of the Gulf States was held in the city of New Orleans for the purpose of revising the Atlanta Regulations, in the light of the experience of the last year.
- *23b. Dr. H. R. Carter, of the United States Marine Hospital Service, suggested or accepted and recommended the proposed changes, which, after adoption by the New Orleans Conference, makes the Atlanta Regulations now read as below:
- *3c. Each amended paragraph is marked by a star.
- *24. Those present were:
- *25. **Texas**.—Houston Board of Health—Dr. J. W. Scott, president; Dr. J. Lavendoe, Dr. R. T. Morris. Dr. W. M. Brumby, Dr. Hiram A. Wood. Galveston Board of Health—Dr. J. F. Y. Paine, Dr. J. D. Skinner. South Texas Medical Association—Dr. B. F. Smart, Dr. J. R. Stuart, Houston; Dr. R. H. Harrison, Columbus; Dr. Frank B. King, Dr. O. L. Norsworthy.
- *26. **Mississippi**.—Waveland Board of Health—John A. Rawlins, Peter Helwege, L. H. Fairchild, R. Attaway, John J. Barr, Jules Mazerat. Pass Christian Board of Health—Jas. H. Maury, L. C. Fallon, C. A. Pardue, O. L. Putnam. Wm. T. Hardie. Bay St. Louis Board of Health—Aug. Keller, secretary.
- *27. **Alabama**.—Mobile Board of Health—Dr. Rhett Goode, city health officer. Mobile Chamber of Commerce—A. S. Benn, president; E. E. England, secretary; H. Pillows, C. J. Clarke.
- *28. **Louisiana**.—State Board of Health—President, Edmond Souchon, M. D.; secretary, G. Farrar Patton; Dr. R. L. Randolph and Dr. C. A. Gaudet, New Orleans Board of Health—President Quitman Kohnke, M. D. New

Orleans Board of Trade—Jos. Kohn, Gus Lehman, Sr. New Orleans Fruit and Produce Exchange—Charles Roth. Bureau of Freight and Transportation—Ben. H. Helm. New Orleans Steamboat Exchange—Chas. P. Truslow, Geo. H. Lord. New Iberia Board of Health—President A. Duperrier, M. D. St. Mary Parish Board of Health—President C. M. Smith, M. D.; Dr. D. N. Foster. The Railroads—Superintendent W. F. Owen, Southern Pacific. New Orleans—J. G. Kostmayer, Dr. G. Devron, I. W. Ashner.

*29. Mexico.—Vera Cruz—Dr. J. J. Burroughs.

*30. Marine Hospital Service.—Dr. Jas. A. White, Dr. Jas. A. Nydegger.

*31a. Dr. J. W. Scott, of Houston, Tex., was elected president. A committee on publications was appointed by the president, consisting of Dr. Souchon, Dr. White, Mr. Kohn and Dr. Wood.

31b. All the amendments were unanimously adopted and recommended to the people.

32. REGULATIONS FOR THE GOVERNMENT OF DISINFECTION AND DETENTION STATIONS OR CAMPS DURING THE EXISTENCE OF YELLOW FEVER AT ANY POINT WITHIN OUR BORDERS.

33. General Principles.

34. The regulations are somewhat numerous and exacting, but it is by the strict observance of like regulations that the art of Surgery has accomplished its wonders.

35. In case yellow fever should occur at any point of the Southern States, the most effective method to prevent shotgun quarantines and their disastrous effects upon Commerce is to establish Disinfecting and Detention Stations or Camps on the lines of travel by rail or boat.

36. It is by practical actions that the people will be reassured and not by agreements and persuasion based on words, assurances or legislation. To show the people that all possible care is effectually taken to prevent yellow fever from reaching them is the best and only argument they should yield to.

37. Parties coming from localities infected by yellow fever should not be allowed to enter quarantine localities capable of being infected by yellow fever, unless they have had their persons, clothing, baggage, etc., disinfected as needed, and unless they have remained at the station ten days after such thorough disinfection, and places holding communication with localities under insufficient restrictions may themselves be held in quarantine.

38. The Stations or Camps will be erected by the United States Marine Hospital Service.

39. They will be operated by the United States Marine Hospital Service.

40. The Marine Hospital Service will also be requested at an immediate date to prepare at least four disinfecting plants, including four cylinders for furnishing steam disinfection.

41. Medical Inspectors from interested States and localities will be admitted to the Stations to witness that the regulations are thoroughly complied with.

42. Regulations Applying to Persons, Clothing and Baggage.

*43. Persons arriving at the Disinfecting Stations will have their clothing and effects disinfected.

44. The clothes and baggage will be disinfected by moist steam under pressure.
45. All articles requiring to be subjected to moist steam shall remain in the steam chamber at a continuous temperature of 212 to 220 degrees Fahrenheit for thirty minutes.
- *46. Articles not amenable to this treatment shall be disinfected as hereinafter provided.
47. The persons will then be placed in the Department of the Disinfected.
48. They shall be inspected daily.
49. Upon the appearance of any tendency or symptoms whatever of yellow fever, they shall at once be placed in a suitable isolated locality.
50. If they develop a case, they shall be placed in the hospital of the Station.
51. The persons will remain at the Station ten days.
52. Persons thus detained will be given a certificate to the effect that disinfection has been practised and detention of ten days enforced, signed by the Resident Officer of the United States Marine Hospital Service.
53. Well authenticated immunes will not be detained, but will be disinfected.
54. Then the person should be received everywhere and by everybody as being incapable of conveying infection.

55. Regulations Governing Freight.

56. Articles should not be shipped from dwellings, nor from places contiguous to dwellings, without being disinfected.
- *57. All articles shall be new, clean and dry.

*58a. SPECIAL CONDITIONS OF INFECTION.

- *58b. (a) When fever exists in a sporadic form.

Merchandise under the above conditions can be shipped.

(b) When fever is more than sporadic, but not general.

Merchandise of the above character may be shipped from the wholesale district of a city, except such as from its liability to infection would be especially apt to conserve it, such as fruit, vegetables in open crates, straw, sawdust, excelsior and similar articles used for packing.

These articles can be shipped only if they have been preserved from possible exposure to infection or have been disinfected.

*59.

CLASS I.

The following articles should be admitted without disinfection or restrictions of any sort:

- (a) All new and dry material, unpacked, such as lumber, machinery, brick, tiling, bar and sheet iron, tin, steel, agricultural implements—no part of which is textile; iron ties, stoves, saddlery, not upholstered; rubber belting, rubber hose, linoleum, wagons, new trunks, hardware without packing, lime, ice and salt in bulk, turpentine, rosin, stone, gravel, coal, coke, cement, grain in carloads, cooperage, oysters and fish packed in ice, and other articles packed in ice properly refrigerated.
- (b) Original packages in clean and smooth wooden or metallic containers not broken or packed in an infected locality.
- (c) Articles in such containers, put up and handled exclusively in the wholesale district, which from their nature or mode of packing are incapable of carry-

***181b. Letter from Dr. H. R. Carter, Surgeon United States
Marine Hospital Service.**

OFFICE OF MEDICAL OFFICER IN COMMAND,
MARINE HOSPITAL SERVICE,
NEW ORLEANS, LA., January 24, 1889. }

Dr. Edmond Sowchon, President Louisiana Board of Health, New Orleans, La.:

DEAR DOCTOR—I am very sorry that I will not be able to attend the Conference on February 9, as I am called off and leave to-day.

Enclosed please find a little paper I had hoped to present of "General Principles," on which quarantine measures, I think, ought to depend, and in proportion as they are founded on these principles they have, in my experience, been efficient and non-obstructive.

I think they will be found to have a bearing on the work which the Convention is likely to consider, and thus have more than theoretical interest.

If you think it will be of any service to the Convention, I beg that you will have it presented as written, either by the representative of the service, if he desire it, or yourself.

Very sincerely yours,

H. R. CARTER, *Surgeon M. H. S.*

182.

GENERAL PRINCIPLES.

183.

A. Purpose of Quarantine.

(a) The purpose of quarantine restrictions is to prevent the introduction of infectious or contagious diseases.

(b) They should be sufficient for this purpose, and none save such as are necessary for this purpose should be imposed.

(c) In cases of doubt, the doubt should be thrown to the side of safety rather than of risk; but, in deciding on any measure, a balance should also be preserved between the risk which is obviated by its adoption and the loss which the measure entails.

(d) Measures, which although safe in theory, yet are so difficult of execution that there is serious doubt that they will be carried out efficiently, can not be depended on, and privileges depending on restrictions of this kind should not be allowed.

184.

B. Establishment of Foci of Yellow Fever.

(a) A focus of inspection can be established only in an infectable place. To places in which such foci can not be established, whether from location (latitude, altitude or other conditions), time of year (after frost), or from other causes, yellow fever is not an infectious disease. Such places need not quarantine.

(b) The same result may be obtained—i. e., not establishing a focus—by antiseptic treatment of cases of yellow fever.

(c) It is not generally to be depended on save in hospitals or tents.

185.

C. Conveyance of Yellow Fever.

(a) Yellow fever is usually conveyed from infected places by persons and personal effects, the latter already infected and the former having the fever in the stage of incubation. The former is by far the most common medium of conveyance.

- (b) This implies that the persons or things have been exposed to infection.
 - (c) Other things besides personal effects, such as articles of merchandise, may of course, convey infection, but in point of fact seldom do.*
 - 186. The risk of persons depends on three factors:
 - (a) That they have been exposed to infection.
 - (b) That they are susceptible to infection, if exposed.
 - (c) That the period of incubation of the disease has not passed since last exposure.
 - 187. If any one of these factors is lacking, no risk can be conveyed by the person,
 - 188. The risk from the effects of persons depends on:
 - (a) Whether they have been exposed to infection.†
 - (b) Whether they have retained the infection to which they have been exposed—i. e., they have not been disinfected chemically or by aeration.‡
 - 189. Persons and personal effects should be considered together.
 - 190. Merchandise other than personal effects, shipped from a place in which foci of infection of yellow fever exist, is dangerous in proportion to a combination of three factors:
 - (a) Its exposure to infection.
 - (b) Its ability to receive and convey it.
 - (c) The measures adopted to free it from infection, if exposed to it.
 - 191. Both of the first two factors must exist to render the merchandise dangerous in the first place, and even then it may be freed from danger by proper measures to free it from infection.
 - 192. The first depends on:
 - (a) The degree of infection in the place.
 - (b) The place of storage and handling the merchandise.
 - 193. Until the infection of a city become general, the risk of infection is confined to residences and places contiguous to them, and in the business portion of a city is rare, the wholesale business house being practically free from it.
 - 194. Reference is here had only to a city in which there is such a difference in residence and business portion.
 - 195. Goods from the wholesale district of such a town, unless the infection of the place be very general, are little apt to be exposed to infection.
 - 196. Should the infection become very general, the wholesale district may be invaded.
 - 197. The second depends on the nature of the surface of the merchandise.
 - 198. Smooth, clean, dry, non-absorbing surfaces will scarcely, even if exposed to infection, convey it.
 - 199. The third, on the process of disinfection to which the merchandise has been subjected.
- This requires no explanation.

*The writer has long held that if much of the energy and care and money in excess of what was needed which was spent in guarding against infection from merchandise and mail were given to that from persons and personal effects the sanitary result would be decidedly better.

†On account of the nature of their surfaces, no question is raised as to the reception of infection by personal effects.

‡It is held, I think, by all who have had much experience in this matter that ordinary wearing apparel worn through the sun and air for any considerable time is thus freed from the infection of yellow fever.

D. Risk of Conveyance.

200.

The risk from communication with a place in which foci of yellow fever infection exist is, among other things, dependent on and proportional to:

(a) Degree of infection.

201. Where the degree is small, the infection is, in general, confined to a small proportion of the residences and the risk of conveying infection is then confined to persons and things which have been in this quarter.

(b) Measures taken in and adjacent to this place.

202. If none of the persons exposed to infected and infected articles be allowed to leave, there is no risk. and in proportion as this is done the risk diminishes.

203. The nature of the quarantine restrictions—*i. e.*, the nature of the communication allowed—should be modified by the risk and thus depends partly on the above conditions.



Office Secretary Court U. S.

FILED

OCT 24 1899

JAMES H. BICKENNEY,
Clerk.

IN THE
Supreme Court of the United States

OCTOBER TERM, 1899.

Original, No. 6

STATE OF LOUISIANA

vs.

THE STATE OF TEXAS ET ALS.

Demurrers of State of Texas to Bill of Complaint.

Now comes the State of Texas, by her attorney general, Thomas S. Smith, and the defendants Joseph D. Sayers, governor of said State, and W. F. Blunt, health officer of said State, and demur to the bill of complaint filed herein and say that the same is insufficient in law for the following reasons, to wit :

First. That this court has no jurisdiction of either the parties to or of the subject-matter of this suit, because it appears from the face of said bill that the matters complained of do not constitute, within the meaning of the Constitution of the United States, *any controversy* between the States of Louisiana and Texas.

Second. Because the allegations of said bill show that the only issues presented by said bill arise between the State of Texas or her officers and certain persons in the city of New Orleans, in the State of Louisiana, who are engaged in interstate commerce, and which do not in any manner concern the State of Louisiana as a corporate body or State.

Third. Because said bill shows upon its face that this suit is in reality for and on behalf of certain individuals engaged in interstate commerce, and while the suit is attempted to be prosecuted for and in the name of the State of Louisiana, said State is in effect loaning its name to said individuals and is only a nominal party, the real parties at interest being said individuals in the said city of New Orleans who are engaged in interstate commerce.

Fourth. Because it appears from the face of said bill that the State of Louisiana, in her right of sovereignty, is seeking to maintain this suit for the redress of the supposed wrongs of her citizens in regard to interstate commerce, while under the Constitution and laws the said State possesses no such sovereignty as empowers her to bring an original suit in this court for such purpose.

Fifth. Because it appears from the face of said bill that no property right of the State of Louisiana is in any manner affected by the quarantine complained of, nor is any such property right involved in this suit as would give this court original jurisdiction of this cause. Wherefore defendants pray judgment of the sufficiency of said bill, and as to whether this court will take further cognizance of this cause, and that they be dismissed hence with their costs.

THOMAS S. SMITH,

Attorney General of the State of Texas, and

ROBERT HAMILTON WARD,

Assistant Attorney General of the State of Texas,

Attorneys for said Defendants.

I, Thomas S. Smith, attorney general of the State of Texas and attorney for said defendants, upon my oath state that the above and foregoing demurrers are not interposed for delay.

THOMAS S. SMITH,
Attorney General of State of Texas.

Sworn to and subscribed before me this October 24th, 1889.

[SEAL.]

JAMES D. MAHER,
Notary Public for District of Columbia.

I, Thomas S. Smith, attorney general of the State of Texas and attorney for said defendants, certify that the above and foregoing demurrers are, in my opinion, well taken in law.

THOMAS S. SMITH,
*Attorney General of State of Texas and Attorney
for said Defendants.*

IN THE
Supreme Court of the United States
OCTOBER TERM, 1899.

Original No. —.

STATE OF LOUISIANA
vs.
THE STATE OF TEXAS ET ALS.

Now comes the State of Texas, by her attorney general, T. S. Smith, for the sole and only purpose of presenting to this honorable court her objections to and protest against the granting by this court to complainant herein leave to file the bill of complaint exhibited to the court, and for no other purpose, the grounds of said objection and protest being, *first*, that this court has no jurisdiction, of either the parties to or of the subject-matter of this suit, because it appears from the face of said bill that the matters complained of do not constitute, within the meaning of the Constitution of the United States, any controversy between the States of Louisiana and Texas.

Second. Because the allegations of said bill show that the only issues presented by said bill arise between the State of

Texas or her officers and certain persons in the city of New Orleans, in the State of Louisiana, and who are engaged in interstate commerce, which do not in any manner concern the State of Louisiana as a corporate body or State.

Third. Because said bill shows upon its face that this suit is in reality for and on behalf of certain individuals engaged in interstate commerce, and while the suit is attempted to be prosecuted for and in the name of the State of Louisiana, said State is only in effect loaning its name to said individuals and is only a nominal party, the real parties at interest being said individuals in the said city of New Orleans who are engaged in interstate commerce.

Fourth. That if the allegations of said bill be true, then it appears that as to the matters complained of the said William F. Blunt, health officer of the State of Texas, is not acting for and on behalf of the State of Texas under and by virtue of any law of the State, but that all of his acts are in excess of his power and authority as an officer of Texas, not binding on the State of Texas, and that as to such illegal and unauthorized acts of said William F. Blunt the said State of Texas cannot be held responsible, and therefore no such possible controversy between the States of Louisiana and Texas is shown as would give this court jurisdiction of this suit.

Fifth. That this court being without jurisdiction of the parties or of the subject-matter of this suit, to permit the complainant to file this bill and to force the State of Texas and her officers to appear herein would only subject the

State of Texas to great expense and annoyance without any benefit or advantage to complainant.

Wherefore the State of Texas most respectfully prays that this honorable court will refuse to grant leave to complainant to file said bill of complainant or to prosecute said suit against her.

T. S. SMITH,
Attorney General of the State of Texas.

R. H. WARD,
Assistant Attorney General of Texas.

In support of the above objections, we respectfully refer to the case of New Hampshire *vs.* Louisiana and others and New York *vs.* Louisiana and others, 108 U. S., 89, 90, 91.

T. S. SMITH,
Attorney General of Texas, and
R. H. WARD,
Assistant Attorney General of Texas.